



CHAPTER FIVE THE GENERAL ASSEMBLY

Introduction

The General Assembly is the main deliberative policy-making body of the United Nations (UN) and is empowered to address all international issues covered by the Charter. In many ways, it acts as the central hub of the United Nations. Many UN bodies report to the General Assembly, but not all of these bodies are subsidiary to the GA. For example, the Security Council constantly updates the General Assembly on its work, but it is an independent body; its work does not require the General Assembly's independent approval. In contrast, the Economic and Social Council (ECOSOC) is a subsidiary body of the General Assembly and is governed by General Assembly mandates. Other subsidiary bodies, such as the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF), also have direct reporting relationships with the General Assembly.

The UN Charter assigns each of the main Committees of the General Assembly specific tasks and topics to discuss during each session. Because every Member State has a seat in every Committee, it is important to note that the points of discussion do not overlap; that is, even if two or more Committees are discussing a general topic area, each Committee is responsible for discussing a very specific point or aspect of that topic. For example, the Fourth Committee may discuss the Israeli-Palestine conflict with regard to its political components. However, issues concerning the legal, social, or economic components of the Israeli-Palestine conflict are left to other Committees, the General Assembly Plenary, or the Security Council. Therefore, Representatives in each Committee should take care not to expand the discussion of any topic beyond the limitations set by

their Committee's mandate and into another Committee's area of discussion. This is known as the Committee's purview.

A note concerning funding: The Fifth Committee makes financing decisions concerning only the UN's regular, annual budget, not those decisions dealing with voluntary contributions or new outlays. Even though AMUN will not be simulating the Fifth Committee, other Committees generally do not act unless sufficient funds are available for their proposals, thus financial questions should still be considered during the other Committees' deliberations. Therefore, if a Committee creates a new program or initiative, that Committee should specify how the program can or will be funded, and if the program falls within the UN's regular annual budget, that resolution should defer to the Fifth Committee to establish funding.

The purpose of the Combined Plenary session on the final day is to ratify the resolutions which passed in the four Main GA Committees and build consensus. While a small amount of additional debate is typical, it is expected that the work done by each Committee over the first three days of the Conference will be respected. It would thus be rare for significant changes to be made, or for a resolution to fail in the Plenary session after passing in Committee.

The following are brief descriptions of each Committee simulated at AMUN, along with the Committee's agenda, a brief purview of each committee, a brief background and research guide for each agenda topic, and the Committee's website address. Representatives should use this information as the first step in their research on the powers and limitations of their particular Committee in relation to the agenda topics.

THE CONCURRENT GENERAL ASSEMBLY PLENARY

Purview of the Simulation

The General Assembly Plenary typically considers issues that several Committees would have the power to discuss, but which would best be addressed in a comprehensive manner. Likewise, the General Assembly Plenary is also responsible for coordinating work between the many different bodies of the United Nations. For example, the 60th General Assembly recently established a Peacebuilding Commission that oversees the United Nations'

peacebuilding processes and coordinate the work of the Security Council, the Economic and Social Council, the Secretary-General, and Member States emerging from conflict situations. Note that if the Security Council, which is given the primary task of ensuring peace and security by the Charter, is discussing a particular issue, the General Assembly (Plenary) will cease its own deliberations and defer to the Security Council.

Website: <http://www.un.org/ga/>

INTERNATIONAL COOPERATION AGAINST THE WORLD DRUG PROBLEM

The twentieth century began and ended with a robust global illegal drug market. By United Nations estimates, the illegal drug market now exceeds \$300 billion (US) each year, ranking it just behind the Swedish economy in value. Of greater concern is that the world drug problem plays a role in nearly every other major world issue confronted by the United Nations, from international security and trade to poverty, crime, and public health. The economic power of the drug trade combined with its transnational nature and quickly advancing technology for creating new synthetic drugs has presented substantial barriers in past efforts to control the problem.

However, efforts are beginning to show measurable success as the UN continues to seek out new avenues for international cooperation against the world drug problem.

Current international cooperation efforts are built around three key conventions established between 1961 and 1988. The Single Convention on Narcotic Drugs, passed in 1961 and amended in 1972, codified existing multinational treaties and, more importantly, expanded drug control efforts to include the cultivation of raw materials and established the original international list of controlled substances. This convention also established the International Narcotics Control Board (INCB). The 1971 Convention on Psychotropic Substances expanded international control efforts to include psychotropic drugs and established four schedules of

psychotropic and synthetic drugs based on their potential for abuse. Finally, the United Nations Convention Against Illicit Traffic of Narcotic Drugs and Psychotropic Substances of 1988 expanded drug control worked to include precursor chemicals and efforts to reduce money laundering activities which support drug operations.

In order to provide the support needed for enforcement of the conventions, several offices, departments, non-governmental organizations and commissions have been established over the years. The Commission on Narcotic Drugs (CND) was established by the Economic and Social Council in 1946. And predecessors of the International Narcotics Control Board date back to treaties promoted by the League of Nations. A/RES/6/104 (1991) established the United Nations Drug Control Programme (UNDCP) by combining the Division of Narcotic Drugs of the Secretariat, the secretariat of the International Narcotics Control Board and the United Nations Fund for Drug Abuse Control. In 1997, the UNDCP merged with the Centre for International Crime Prevention to form the United Nations Office of Drugs and Crime (UNODC). Modern-day control efforts are dominated by the INCB and the UNODC.

Modern-day efforts to combat the world drug problem began in earnest with the 17th United Nations General Assembly Special Session (UNGASS) in 1990; this marked the first time a special session had been convened related to drug control and resulted in the first Political Declaration and Programme of Control (A/S - 17/13). The 20th UNGASS, held in 1998, resulted in a second political declaration which served as the basis for drug control efforts until 2009. In 2009, the high level segment of the CND released the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem. The Plan of Action focuses on the three pillars of modern-day drug control efforts: reducing demand, reducing supply and countering money-laundering activities while promoting judicial cooperation. In 2010, the General Assembly (GA) also adopted the Political Declaration and Plan of Action, as adopted by the CND.

Along with passing the Political Declaration and Plan of Action, the General Assembly has promoted bilateral, regional and international cooperation for both intelligence sharing and cross-border operations. The GA has also addressed the need for sustainable crop control strategies and has encouraged States to simultaneously develop preventative alternative development programmes with these control strategies. Along these lines, the GA has recognized the extensive experience developing countries have in alternative development and has encouraged them to share best practices and lessons learned with States addressing illicit crop cultivation. The GA has also acknowledged the need for enhanced technical assistance at both the national and regional level and has encouraged the UNODC to increase its collaborative efforts with relevant regional organizations.

In future sessions, the General Assembly will need to address ongoing challenges around developing data collection and analysis systems including national and regional indicators for illicit substance production and abuse. Other challenges the GA will need to address include the need for greater regional cooperation, the integration of civil society into comprehensive drug control strategies, and the need for increased financial support for both the UNODC and the International Narcotics Control Board, as they both depend heavily on voluntary financial contributions from Member States.

The future of the world's drug problems are intertwined with other issues facing our world. UN Under-Secretary-General Antonio Costa recognized the connection between the drug trade and other issues when he noted "the drug industry threatens security and development, in countries already stricken by poverty, unemployment and the "HIV pandemic." The balanced approach will need to coordinate with other efforts across the globe such as HIV/AIDS prevention, economic development, financial organizations and more if the effort is to be truly successful. There has been some success — opium production is down 75% since the beginning of the 20th century and use rates appear to be flattening — but there remains work to be done.

Questions to consider from your government's perspective on this issue include

- To what degree are individual Member States responsible for illegal drug activity within their own borders? How can the UN maintain the sovereignty of Member States while effectively combating the international drug problem?
- Is the three-prong balanced approach the most effective manner of confronting the issue?
- How should the UN handle the growing number of Member States that are choosing to decriminalize or legalize formerly illegal substances such as cannabis?
- How can the UN encourage cooperation between organizations which primarily fight drug problems and other organizations concerned with economic development, public health, poverty and other major world issues?

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A/RES/64/182
A/RES/63/197

A/S–20/4 Chapter 4, Section A – Declaration on the Guiding Principles of Drug Demand Reduction
E/CN.15/2011/L.10
E/CN.15/2011/L.9
E/CN.7/2011/L.10/Rev.1
SG/SM/12969
UNODC/HONEURO/9/1
A/S - 17/13, Political Declaration and Programme of Control
Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem
United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988
Convention on Psychotropic Substances, 1971
Single Convention on Narcotic Drugs, 1961

Additional Web Resources

www.incb.org/incb/index.html – International Narcotics Control Board
www.unodc.org/unodc/index.html – United Nations Office on Drugs and Crime
www.interpol.int/default.asp – International Criminal Police Organization

UNITED NATIONS GLOBAL PLAN OF ACTION AGAINST TRAFFICKING IN PERSONS

Well into the 21st century, human trafficking remains a significant challenge for the international community. The United Nations estimates that nearly 2.5 million people are victims of human trafficking annually. Every Member State is affected as a source of victims, a transit point, or a destination. An overwhelming number of victims are trafficked for the purpose of sexual exploitation and forced labor. Other forms of trafficking include bonded labor, domestic servitude, forced marriage and the exploitation of children.

In 2000, the United Nations adopted the Convention against Transnational Organized Crime (the Convention) and then in 2003 adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Trafficking Protocol). The Convention and the Trafficking Protocol were the first global legally binding documents that contained an agreed definition of trafficking in persons. The Convention and Protocol committed Member States to take efforts to prevent trafficking, protect victims of trafficking, and promote cooperation between states (together known as the Three Ps). The Trafficking Protocol calls on Member States to develop domestic legislation that criminalizes trafficking in persons, as well as having the intent to, being an accomplice of, or encouraging others to participate in trafficking of people.

Multiple actors across the UN system are engaged in efforts to prevent human trafficking and support victims of trafficking. In 2007, the United Nations Office of Drugs and Crime (UNODC), in conjunction with other agencies such as the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the United Nations Children's Fund (UNICEF), launched the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT). UN.GIFT works toward eradicating human trafficking by reducing the vulnerability of potential victims and the demand for exploitation. UN.GIFT encourages Member States to work with other governments and

also with those in business, media, academia and civil society to help foster relationships, share effective practices and create a general network of support between all of those involved. In 2008, UN.GIFT hosted the Vienna Forum to Fight Human Trafficking in which multiple sectors came together to discuss progress in meeting UN.GIFT goals. In 2009, the Blue Heart Campaign against Human Trafficking was created to build awareness of the fight against human trafficking.

Human trafficking has also remained high on the General Assembly agenda. In 2008, the GA hosted a thematic debate on human trafficking and in 2009 hosted a second interactive thematic dialogue on collective action to end human trafficking. This work culminated with the passage of the Global Plan of Action against Trafficking in Persons in 2010 to support the Convention against Transnational Organized Crime. The Global Plan of Action takes a human-rights and gender- and age- sensitive approach to address human trafficking. Under the Global Plan, the GA has committed to mainstreaming the issue into the UN's development, education, human rights, good governance, and natural disaster and post-conflict reconstruction policies. The Global Plan of Action will support the ongoing efforts under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and promotes coordination among Member States, the private sector, and civil society to meet these objectives.

The Global Plan of Action also created the United Nations Voluntary Trust Fund for Trafficking Victims (UNVFVT). The purpose of this trust is to provide humanitarian, legal and financial aid to victims. The Fund is to be managed by the UNODC and a board of Trustees appointed by the Secretary-General. The General Assembly has committed to assessing progress towards meeting the goals and objectives of the Global Plan of Action in 2013.

As of 2009, 132 States have ratified the Trafficking Protocol. While this represents a significant achievement there remain significant challenges to achieving full implementation of the Trafficking Protocol. While many Member States have passed national legislation, the institutional capacity to implement the Protocol varies considerably across States and enhanced technical assistance from the international community is needed. Globally, the conviction rate for trafficking in persons remains low. There are also additional challenges around the development of effective prevention and protection policies and labor exploitation is often not properly addressed in many national policies. Insufficient resource allocation is also a common at the national level. Finally, at the national, regional, and international levels there is a need for more accurate and timely data collection. To meet the goals outlined under the Global Plan of Action, the GA will need to address all of these issues in future sessions.

Questions to consider from your government's perspective on this issue include

- What can the international community do to assist states in fulfilling the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children?
- What is needed from the international community to effectively implement the Global Plan of Action? How can Member States achieve this?
- How should governments approach working together to eradicate human trafficking?

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A/RES/64/293
A/RES/64/178
A/RES/63/194
A/RES/63156
A/RES/61/180
A/RES/58/137
ECOSOC 2006/27
2005 World Summit Outcomes
United Nations Convention against Transnational Organized Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children

Additional Web Resources

- www.humantrafficking.org/ - humantrafficking.org
www.unodc.org - United Nations Office on Drugs and Crime
www.ungift.org/knowledgehub/ - UN.GIFT
www.polarisproject.org - Polaris Project
www2.ohchr.org/english/issues/trafficking/index.htm - Special Rapporteur on trafficking in persons, especially in women and children



THE GENERAL ASSEMBLY FIRST COMMITTEE: DISARMAMENT AND INTERNATIONAL SECURITY

Purview of the Simulation

The General Assembly First Committee addresses the disarmament of conventional weapons, weapons of mass destruction and related international security questions. The First Committee makes recommendations on the regulations of these weapons as they relate to international peace and security. The First Committee

does not address legal issues surrounding weapons possession or control complex peace and security issues addressed by the Security Council. For more information concerning the purview of the UN's General Assembly as a whole, see page 24.

Website: <http://www.un.org/ga/first/index.shtml>

DEVELOPMENTS IN THE FIELD OF INFORMATION AND TELECOMMUNICATIONS IN THE CONTEXT OF INTERNATIONAL SECURITY

Advancements in Information and Communication Technology (ICT) present both opportunities and challenges. In the range of threats that states and the global community face, ICTs are unique: they are ubiquitous, and not inherently military in nature. Moreover, there are multiple ways in which ICTs can pose security threats. They can be used to damage information resources and infrastructures, and terrorist or criminal groups can use them to communicate, solicit funding, and could use ICTs as means to disrupt economic institutions. Also, national critical infrastructures are becoming increasingly reliant on ICTs, such that any disruption caused by malicious intent could pose serious consequences for national security and public safety.

ICTs are often owned and operated by the private sector, and their potential to create harm is largely based on users' motives. They have both civilian and military uses, especially for maintaining international stability and security, and ICT maintenance is vital for the development of global and national economies. The United Nations is working closely with Member States and the international community to encourage collaboration on advancing the security and effectiveness of this technology. There is also disagreement at the international level about what constitutes acceptable use of ICTs by states; that is, to what extent can and should states develop ICTs for military and intelligence purposes?

While ICTs are a relatively recent innovation, the United Nations has been engaged in developing a common framework of the role of ICTs in the global community and in assessing the potential threats that they pose to peace and security. The World Summit on the Information Society (WSIS) took place, in 2003 (first phase) and 2005 (second phase). This was the first high-level UN meeting to specifically address communication technology. The WSIS products, the Geneva Declaration of Principles and the Tunis Agenda, both took a broad view of information technology within a global context addressing its role in development, capacity-building in the developing world, and a financing mechanism. Action Line C5 in the Declaration of Principles covers the need for building confidence and enhancing the security of ICTs. The International Telecommunication Union (ITU) is charged with monitoring progress on the WSIS Plan of Action and WSIS plus 5 goals.

In May 2007, the ITU established the Global Cybercrime Agenda (GCA). The GCA established a High-Level Experts Group (HLEG) to provide the ITU with recommendations. In their Global Strategic Report, the group recommended that legal measures, technical and procedural measures, organizational structures, capacity building, and international cooperation all needed further attention from the international community.

The General Assembly (GA) has also been actively engaged in monitoring ICT developments and their impact on international security. The GA has called on Member States to engage in multilateral discussions of current and potential threats to telecommunication networks. The GA has made ongoing requests for Member States to inform the Secretary-General of their progress in strengthening information security and opportunities for the international community to strengthen information security at the global level. Also the General Assembly requested that the Secretary-General convene a Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security.

The Group of Experts outlined potential threats ICTs could pose to the global community, such as terrorist organizations using ICTs to advance their networks. The most recent report to the GA from the Group of Experts in 2010 provided a list of recommendations to the General Assembly that included (1) engaging in dialogue with Member States on acceptable norms for state use of ICT, (2) supporting confidence-building, stability and risk reduction measures for State use of ICTs, (3) facilitating information exchange on national, regional, and international security strategies, and (4) supporting capacity-building in less developed countries.

Information and Communication Technology will continue to play an important role for both economic and social development. Solutions to help fund and develop the efficiency and security of their ICTs are crucial for peace and security. The UN will continue to play a key role in facilitating cooperation among Member States against dangers posed to ICT systems and infrastructure. The General Assembly has requested that the Secretary-General establish a future group of governmental experts in 2012 to continue researching solutions on this topic. Until then, the standards on the use for ICTs and measures to foster strategic security-building are likely to remain on the GA agenda.

Questions to consider from your government's perspective on this issue include

- How can states and the international community balance to the need for need for enhanced security for ICTs while at the same time capitalizing on their potential benefits to social and economic development?
- How do the challenges of ensuring the security of ICTs differ in developing countries vs. developed countries?
- What role should the private sector play in ensuring the security of telecommunication networks?

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A/RES/64/25
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A/RES/63/37
A/RES/62/17

A/RES/60/45
WSIS-03/GENEVA/DOC/0009 (rev. 1)
WSIS-05/TUNIS/DOC/6 (rev. 1)

Additional Web Resources

www.itu.int – International Telecommunication Union
www.ict4peace.org – ICT 4 Peace Foundation
www.unidr.org – United Nations Institute for Disarmament Research
www.un-gaid.org – Global Alliance for ICT and Development
www.interpol.int – International Criminal Police Organization

CONSOLIDATION OF PEACE THROUGH PRACTICAL DISARMAMENT MEASURES

Disarmament remains one of the United Nations primary objectives. Practical disarmament measures are means to link weapons control, particularly small arms control, to peacekeeping and post-conflict settlement with appropriate assistance from the United Nations system. The work undertaken on practical disarmament measures and small arms control represent integrated and mutually reinforcing efforts to achieve lasting disarmament.

Consolidation of Peace through Practical Disarmament Measures first appeared on the General Assembly (GA) agenda in 1996. The following year, the GA established the Group of Interested States (GIS) to support the GA's goals on practical disarmament. The goal of the GIS is to facilitate ongoing practical disarmament efforts by building on efforts already in progress and by working at both the international level and directly with States in the midst of post-conflict disarmament and reconstruction. By establishing the GIS, the General Assembly acknowledged the importance of small arms control, demining, demobilization, and reintegration of former combatants in post-conflict settings and hoped to provide a framework to provide concrete assistance to States.

The GIS continues to meet on and report to the GA on a regular basis. The meetings are open to all States, interested UN partners and non-governmental organizations. Recent agenda items have included a small arms trade treaty, briefings for the GA First Committee, and the International Small Arms Control Standards.

Related to practical disarmament, the General Assembly passed the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in 2001. The Programme of Action also included practical solutions for national legislation and controls for the collection and destruction of illegal weapons and measures to assist states in preventing the illegal transfer of small arms. Since its adoption, the GA has hosted biennial meetings of States to consider the Implementation of the Programme of Action. The most recent biennial meeting was held in 2010 and focused on national, regional and global implementation strategies for the Programme of Action; the main topics of discussion at the fourth biennial meeting were four themes: border management, international cooperation and assistance, the International Tracing Instrument and follow-up mechanisms within the Programme of Action. The Fourth Biennial Meeting final report stressed the importance regional mechanisms to support the implementation of the Programme of Action.

The GA also adopted the International Tracing Instrument (ITI) in 2005 which is an additional effort to address international small arms control. Under the ITI, Member States agreed to the marking, record-keeping and tracing objectives in the Programme of Action. The Programme of Action and ITI are significant milestones in international efforts to control small arms, there are remaining challenges with implementation. Specifically, the Programme of Action does not offer a specific framework to provide international or regional assistance nor is it a legally binding instrument. Additionally, many Member States lack the financial and technical resources necessary for small arms control. There is also recognized need for better coordination at the regional level to enhance law enforcement efforts, marking and tracing efforts, record-keeping, and border protection.

At the international level, the General Assembly has stressed the need to include United Nations-mandated peacekeeping missions, when appropriate, in practical disarmament measures for small arms. More recently, the GA has begun to consider practical disarmament measures, assistance to States for curbing the illicit traffic in small arms and light weapons, and the illicit trade in small arms and light weapons in a more holistic manner. At the GA's request, the Secretary-General submitted a report in the 65th session that addressed all three topics. Moving forward, the General Assembly will continue to support the work of the Group of Interested States and also stress the importance of evaluating assistance provided to states and explore collaborative processes to support small arms control at both the national and international level.

Questions to consider from your government's perspective on this issue include

- What efforts are being made by the UN, the GIS and regional governments to implement practical disarmament measures?
- How can the UN help support the GIS in completing the goal of implementing practical disarmament?
- What new programs and projects should the GIS and the UN undertake in order to effectively implement practical disarmament measures in other conflict regions?

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A/RES/65/64

A/RES/65/67

A/C.1/65/PV.21

A/CONF.192/2006/RC/9

A/CONF.192/BMS/2010/3

A/CONF.192/15

Additional Web Resources

www.un.org/disarmament.org/ - United Nations Office for Disarmament Affairs

www.poa-iss.org/MGE/ - Open Ended Meeting of Governmental Experts

disarm.igc.org/ - NGO Committee on Disarmament, Peace, and Security

www.unidir.org/html/en/home.html - United Nations Institute for Disarmament Research



THE GENERAL ASSEMBLY SECOND COMMITTEE: ECONOMIC AND FINANCIAL

Purview of the Simulation

The Second Committee makes recommendations on means to improve the economic development of Member States and maintain the stability of the international financial and trade network.

The economic issues considered by the Second Committee are distinguished from those considered by the Fifth Committee in that this Committee deals solely with financing the economic

assistance to Member States, whereas the Fifth Committee address the budgetary issues within the UN System. The Second Committee does not address social issues that affect development; such issues are considered by the Third Committee. For more information concerning the purview of the UN's General Assembly as a whole, see page 24.

Website: <http://www.un.org/ga/second/index.shtml>

ROLE OF MICROCREDIT AND MICROFINANCE IN THE ERADICATION OF POVERTY

In recent years, the initiatives of microcredit and microfinance have become inextricably linked to eradicating poverty worldwide. The first Millennium Development Goal (MDG) is to eradicate extreme poverty and hunger; it is largely assumed that the achievement of all the MDGs is dependent on success in fighting poverty. The UN has always been committed to the goal of eradicating poverty; however, it was not until the 1980s that microcredit and microfinance began to gain serious international attention and consideration as an effective measure for combating extreme poverty. The field of microfinance has since grown to include over 3,500 institutions worldwide serving over 155 million people.

In understanding how microcredit and microfinance enable the world's poor, it is essential to differentiate the two terms. Microfinance is an overarching, market-based strategy to fight poverty that includes the provision of a range of financial services such as microcredit, microinsurance, microsavings and micropensions. Microcredit, or small loans aimed at poor and low-income individuals, is the main means of microfinance institutions (MFIs) to promote entrepreneurship and self-employment. A typical microloan is provided at lower-than-normal interest rates, given to an individual or group of individuals. These loans not only enable individuals to prosper but also promote financial education in communities that lack the resources to become financially stable.

The UN General Assembly began to incorporate microcredit and microfinance as a strategies to fight poverty with the launch of the Microcredit Summit in 1997. Observing the heightened success of MFIs such as the Grameen Bank, the UN General Assembly resolved to encourage Member States to incorporate microfinance into their development strategies. In a 1998 resolution, it declared that 2005 would be the International Year of Microcredit. With such increased awareness of microcredit and microfinance efforts, it became clear that financial inclusion for all had become a major priority for developed and developing nations addressing poverty. The World Bank (WB) became heavily involved in the availability of microloans, by requiring it to be addressed in Poverty Reduction Strategy Papers (PRSPs), which the WB requires it to be eligible for debt redemption through the Heavily Indebted Poor Countries (HIPC) Initiative. The World Bank, through the International Finance Corporation (IFC) and the International Monetary Fund (IMF) now provide resources

for microfinance as well as supporting effective implementation of microfinance initiatives at the country level.

A key development since the International Year of Microcredit (2005) is the increased focus on inclusive finance to describe the goals behind microfinance through a broader scope. In a 2009 resolution, the General Assembly outlined the need for more inclusive financial sectors and encouraged states to adopt coherent financial regulatory frameworks. The Secretary-General responded that access to credit alone is insufficient for poverty eradication and that states must take an active role in supporting microfinance initiatives. Policy recommendations include promoting financial literacy, investing in infrastructure and technology, regulation of interest rates and the ever-increasing need for compiling market data to measure effectiveness.

In 2006, the Microcredit Summit Campaign was re-launched to conclude in 2015 and coincide with the MDG timeline. Although the microcredit industry has boomed, the international community has seen little reduction in poverty. To date, this is insufficient evidence to suggest that microcredit reduces poverty levels in the long term. This has caused some states to call for increased regulation and others to turn away from microcredit completely.

Although the fight against poverty has seen setbacks, there remains strong potential of microlending and microfinance services to positively impact the world's poor. Currently, over 70% of microfinance clients are women. However, an important question surrounds the debate concerning for-profit and non-profit MFIs and whether the international community wishes to move in the direction of involving large commercial banks with larger resources. Furthermore, the UN Commission on International Trade Law has outlined legal and regulatory issues surrounding microfinance. In addition, there is continued concern over including the world's poorest in microfinance initiatives.

The UN General Assembly continues to use microcredit and microfinance as a tool to combat poverty. However, actualizing this potential has proven to be more complex. Basic financial services are a necessity to enable poor populations. Challenges the GA will need to address in the future include outreach to the world's poor, increasing the available resources for microfinance, and developing regulatory frameworks. One possible future action includes turning to the World Bank or private commercial banks for increased investment in microfinance. A coordinated international regulatory framework for microfinance would also increase the effectiveness of any funds procured. Member States have been encouraged to find an inclusive

financial system that emphasizes savings and insurance along with borrowing; without these improvements little progress can be made in eradicating poverty will continue sluggishly. Although the international community faces many challenges in eliminating poverty, microcredit and microfinance still have the potential to assist the world's poor.

Questions to consider from your government's perspective on this issue include

- What role should the international community take in promoting microcredit and microfinance?
- What measures are necessary to evaluate the impact of microcredit and microfinance at the national, regional, and international level?
- What roles do large commercial and for-profit banks play in terms of eradicating poverty? What potential do these banks have to change the poverty levels?
- What would be the impact/benefit of an international regulatory framework for microcredit and microfinance?

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A/RES/61/214
A/RES/59/246
A/RES/58/221
A/RES/53/197
A/RES/52/194
United Nations Millennium Declaration

Additional Web Resources

www.grameen-info.org - The Grameen Bank
www.ifc.org/microfinance - International Finance Corporation
www.imf.org - The International Monetary Fund
www.microcreditsummit.org - The Microcredit Summit Campaign
www.worldbank.org - The World Bank

PROMOTION OF NEW AND RENEWABLE SOURCES OF ENERGY

Energy policy is among the most crucial issues facing the world today. No Member State is unaffected. For developed nations, alternatives to fossil fuels are the route to energy independence and security. In countries that are still developing, new and renewable energy sources hold the promise of a higher standard of living for the population through increased access to electricity, particularly in rural areas where it would be prohibitively difficult to extend the power grid but possible to deliver power through freestanding sustainable energy projects. All nations can benefit from the economic development afforded by new energy projects, whether in the research or implementation stages. A final, overarching goal is mitigation of the effects of climate change.

Renewable energy comes in a myriad of forms, among them solar, wind, hydro, geothermal, tidal, and biomass. This diversity is an invitation to tailor sustainable energy solutions to local situations, considering the resources available in the area and the energy reliability and quantity levels that are acceptable to the population. The energy policies of nations and their subdivisions can have a great effect on the feasibility of energy alternatives within their jurisdiction, and has been an area where the UN has offered guidance in the past. The General Assembly (GA) Second Committee has addressed new and renewable energy as a means for economic development for Member States and has urged Member States to take advantage of the benefits sustainable energy has to offer to advance development.

There are several major UN agreements with sustainable development as a focus. In 1992, the Rio Declaration on Environment and Development and its companion document, Agenda 21, addressed the responsibility of all Member States to develop and operate in a sustainable manner and produced agreements for cooperation in this area. Ten years later, the Johannesburg Plan of Implementation renewed and updated the commitments of Member States to sustainability objectives. Goal 7 of the Millennium Development Goals is to ensure environmental sustainability. The Kyoto Protocol obligates its signatories to take action to cut greenhouse gas emissions and combat climate change. The development and implementation of alternative energy sources is necessary for the international community to fulfill its many sustainability obligations.

The Second Committee reports to the General Assembly on the promotion of new and renewable sources of energy every two years. The next report is due in 2011. The most recent of these reports, A/64/420, was adopted in December 2009. It emphasizes the potential of sustainable energy sources to advance development through expanded access to modern energy for the world's population, but also notes the high cost and level of technological advancement of many new energy sources, urging technology transfer to developing nations.

Other UN agencies are involved in promoting sustainable energy development. The United Nations Industrial Development Organization (UNIDO) has recently established a trust fund for the promotion and implementation of renewable energy projects in developing countries. The Economic and Social Commission for Asia and the Pacific (ESCAP) supervises the Asian and Pacific Centre for the Transfer of Technology (APCTT), which has among its responsibilities helping developing states to acquire the technology necessary to utilize sustainable energy, whether through contact with developed nations or through South-South cooperation among themselves. The Economic Commission for Europe (ECE) has recently addressed renewable energy sources for economic development and rural electrification in Eastern European countries. The African Ministerial Conference on the Environment (AMCEN) notes that most rural African populations are currently using renewable energy in the form of woody biomass, which is undesirable due to the greenhouse gases released during burning. As in so much of the developing world, modernization of energy sources with limited funding and infrastructure available is a priority in Africa.

Despite their obvious appeal in mitigating climate change and an indispensable ingredient for sustainable development, renewable energy sources face many obstacles to widespread use. Foremost on the list is the intermittent and unreliable nature of many renewable energy schemes. Solar power cannot be generated at night, and wind turbines will not turn on a calm day, yet electricity is consumed seconds after it is produced and there is no practically feasible way to store excess generated energy for a community's later needs. For large portions of the world's population, even a periodic supply of energy could effect a significant change in the standard of living. For a truly modern, secure energy supply, however, a mixture of clean energy sources is critical.

Policy barriers to alternative forms of energy are a natural area for UN influence to promote sustainability. Many nations currently have subsidies in place for traditional, fossil fuel based energy, which artificially lower its cost. The gap in cost between renewable and traditional energy sources would close significantly if the subsidies were removed, making sustainable energy projects more commercially viable. However, it is also important to consider the reasons the subsidies came into existence: to increase the affordability of energy. Any efforts to reform energy pricing should take care to ensure the poor are not priced out of the energy they need to support themselves.

The General Assembly has declared 2012 as the International Year of Sustainable Energy for All. The campaign will focus on finding long-term solutions to current issues by raising awareness on energy poverty, establishing world-wide access to clean energy and combining public-private partnerships. The General Assembly will have to address accountability and performance measurement in order to track and evaluate the commitment of the international community. Balancing the challenges involved in developing and implementing renewable energy sources in ways that are appropriate for each region is the task to which Member States must rise.

Questions to consider from your government's perspective on this issue include

- How can the world use the development and implementation of sustainable energy sources as an engine for economic development?

- What is the role of public-private partnerships in developing renewable energy sources? What can the international community do to promote these partnerships?
- What are potential solutions to help developing countries offset the high investments of renewable energy sources?

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 E/ESCAP/67/5
 ECE/ENERGY/WP.4/2011/5
 Rio Declaration on Environment and Development & Agenda 21
 Johannesburg Plan of Implementation
 Kyoto Protocol
 United Nations Millennium Declaration

Additional Web Resources

- www.irena.org - International Renewable Energy Agency
www.undp.org/energy - United Nations Development Program:
 Environment and Energy
esa.un.org/un-energy - UN-Energy



THE GENERAL ASSEMBLY THIRD COMMITTEE: SOCIAL, HUMANITARIAN, AND CULTURAL

Purview of the Simulation

While the Committee's areas of concern and its work often overlap with other United Nations organs, the Third Committee focuses its discussions on social, humanitarian and cultural concerns that arise in the General Assembly. The Third Committee discusses issues with, recognizes reports of, and submits recommendations to the

General Assembly in coordination with other United Nations organs, such as the Economic and Social Council (ECOSOC) and the United Nations High Commissioner for Refugees (UNHCR). For more information concerning the purview of the UN's General Assembly as a whole, see page 24.

Website: <http://www.un.org/ga/third/index.shtml>

THE RIGHT TO FOOD

For some countries, food shortages are an agricultural and development issue. For all, however, hunger is a basic affront to human dignity that should be addressed as a human rights issue. The United Nations defines the right to food as "the right to have regular, permanent and free access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear." This definition defines the right to food as both an individual right and a collective responsibility and has galvanized the world to address hunger. International efforts to protect the right to food have generated a long and complex debate over how the international community can solve the problem. This debate has touched on climate change, intellectual property rights, free trade and international obligations to provide development assistance.

The United Nations has a long history in addressing the right to food. In 1976, at the World Food Conference, governments pledged to end hunger within a decade. Over twenty years later, the international community came together once again at the 1996 World Food Summit. The outcome of the summit, the Rome Declaration, which was adopted by 112 heads of state, pledged to halve the number of persons in the world who suffer from hunger by 2015. With the adoption of the Millennium Declaration in 2000, the international community again committed to reducing the number of people who suffer from hunger by 2015. In 2000, the Commission on Human Rights created a Special Rapporteur on the Right to Food, who monitors and reports on situations detrimental to food security. All of these issues have helped to elevate the concept of food security on the global agenda. Despite this ongoing commitment, there are major issues that still need to be addressed, as global food prices continue to climb. Major spikes in global food prices occurred in 2008 and 2011, contributing to dramatically increasing hunger around the world.

This problem has prompted more recent action from the United Nations. In response to soaring food prices in 2008, the Secretary-General convened a High-Level Task Force on the Global Food Security Crisis. In partnership with the World Bank, the International Monetary Fund, the Organization for Economic Cooperation and Development, and the World Trade Organization, the Task Force aims to support a comprehensive and unified response to the global food crisis. The Task Force produced the Comprehensive Framework

for Action (CFA). The CFA outlines a plan of action that includes activities to meet immediate needs and longer term actions to address structural factors, such as investment in agriculture in developing countries, access to land and water, post-harvest technologies, and sustainability, that all contribute to food insecurity.

Following the formation of the High-Level Task Force, the General Assembly hosted a thematic dialogue in 2009 on the global food crisis and the right to food which was a high-level meeting of human rights specialists, economists, and agroecologists. The GA re-affirmed that a rights-based approach should guide efforts to promote food security. Under this type of framework, the GA acknowledged that strategies that only focus only on lowering food prices to eliminate hunger would not be sufficient. Rather, social support schemes to ensure vulnerable populations were adequately protected would need to be developed along with reforming global agricultural policy. At the Dialogue, the General Assembly acknowledged the complexity of the current crisis and that factors such as the volatility of oil prices, climate change and inequities in the trading system have all contributed to the current food crisis. These factors, along with improvements in accountability and the need for good governance, should be taken into consideration when designing agricultural reform.

Recently, two new issues have entered discussions on the right to food: the effects of climate change and the concept on food sovereignty. Discussion on the effects of climate change on food security and the right to food has been limited in the GA to date, however the Food and Agricultural Organization (FAO) has begun to examine the topic. In March 2011, the FAO submitted a brief to the UN Framework Convention on Climate Change (UNFCCC) Secretariat on the effects of climate change on food security. The brief outlined potential steps that the UN and its Member States can take, including promoting the development of new, change-resilient staple crops.

On the issue of food sovereignty, there is support for the democratic control of agricultural policy and food production networks, particularly for farmers themselves. The idea has gained significant support from developing countries, as well as the UN Special Rapporteur on the Right to Food. The costs of transforming agricultural systems are high, the potential returns include greater sustainability and healthier ecosystems.

Questions to consider from your government's perspective on this issue include

- How does promotion of the right to food as a basic human right influence policies to address hunger and undernourishment?
- How can Member States promote the development of climate-change-resistant crops without severely damaging biodiversity?
- What can Member States do to emphasize the importance of local and national economics as a way to support food sovereignty?

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A/RES/56/155

A/RES/55/2

A/HRC/16/49

A/HRC/RES/16/27

A/HRC/RES/13/4

E/C.12/1999/5 – General Comment 12, Committee on Economic, Social and Cultural Rights

Universal Declaration of Human Rights

International Covenant on Economic, Social and Cultural Rights

Rome Declaration on World Food Security

Additional Web Resources

www.foodsovereignty.org/ - International Planning Committee for Food Sovereignty

<http://www.un.org/issues/food/taskforce/index.shtml> – High Level Task Force on the Global Food Crisis

<http://www.fao.org/righttofood/> - FAO on the Right to Food

<http://www2.ohchr.org/english/issues/food/index.htm> - Special Rapporteur on the right to food

PROTECTING HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS WHILE COUNTERING TERRORISM

Terrorism is not a new phenomenon. Protecting human life and security within the context of terrorism presents a two-fold, and potentially contradictory, challenge: first, States have an obligation to ensure the security and well-being of their citizens by providing protection from terrorist threats, and second, they must enact counter-terrorism measures that do not violate human rights or the rule of law.

One of the first and most concrete endorsements from Member States of the significance on protecting human rights while countering terrorism came in 2005 with the creation of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The Special Rapporteur, who operates under the Human Rights Council, is charged with promoting best practices and investigating allegations of human rights violations that occur during the course of counter-terrorism actions.

In 2006, the General Assembly adopted the Global Counter-Terrorism Strategy. The Strategy was the first international agreement on a common approach and plan of action to prevent and respond to global terrorism threats. The Fourth Pillar of the Global Strategy addresses measures intended to ensure that respect for human rights and the rule of law remain the cornerstone of global counter-terrorism strategies. Specifically, it calls upon member states to Member States to implement strategies that are not in conflict with their obligations to international human rights law, refugee law, or international humanitarian law. By committing to the Global Counter-Terrorism Strategy, Member States recognized that “effective counter-terrorism measures and the protection of human rights were not conflicting goals but complementary and mutually reinforcing aims.”

The Fourth Pillar of Action of the Global Strategy also calls upon Member States to develop criminal justice systems guided by the rule of law, so the fundamental freedoms and human rights of persons being extradited or prosecuted for terrorist acts are protected. Finally, the Fourth Pillar commits to providing technical assistance to Member states through the United Nations Office of Drugs and Crime.

The Counter-Terrorism Implementation Task Force created a Working Group on Protecting Human Rights While Countering Terrorism. The Working Group supports Member States' efforts to promote and protect human rights in the context of counter-terrorism. To that end, the Working Group hosted an expert seminar on the effects of terrorism and counter-terrorism measures on the enjoyment of economic, social and cultural rights. The Working Group is

developing a series of ten Basic Human Rights Reference Guides, that have guidelines for Member States on how to protect human rights in the context of counter-terrorism activities.

While there is broad general agreement on the need for protecting human rights while countering terrorism, there is still debate over specific standards Member States should be expected to uphold. For example, some rights, such as the protection against torture, are non-derogable, while others like freedom of expression, can be suspended by states for fixed periods of time to deal with unrest and potentially destabilizing events. Some states have claimed that combating terrorism is such a circumstance and have sought to restrict speech and other rights.

Despite these challenges, the General Assembly and the United Nations remain engaged in the topic and committed to supporting Member States in their efforts to ensure human rights are protected as they implement counter-terrorism measures. The General Assembly continues the work on the draft comprehensive convention on international terrorism. The convention will aid in reducing the credibility gap in the field of human rights. However, the lack of a coherent human rights strategy remains one of the top challenges of Member States.

Questions to consider from your government's perspective on this issue include

- What restrictions of rights may be justifiable to combat terrorism and under what circumstances?
- What can Member States do to ensure that counter terrorism is more compatible with fundamental human rights?
- How can the reinforcement of human rights support the aims of countering terrorism?

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S/RES/1373
S/RES/1624
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International Convention for the Suppression of Terrorist Bombings
International Covenant on Civil and Political Rights
International Covenant on Economic, Social and Cultural Rights
Vienna Declaration and Programme of Action
Universal Declaration of Human Rights

Additional Web Resources

- <http://www.amnesty.org/en/library/asset/IOR40/008/2011/en/9b5494ce-e049-45d0-8c91-788f7c24b89a/ior400082011en.pdf>
- <http://www.hrw.org/en/news/2005/04/17/protecting-human-rights-while-countering-terrorism>
- www.un.org/en/sc/ctc/rights.html - Protecting Human Rights While Countering Terrorism, UN Security Council Counter-Terrorism Committee
- <http://legalift.wordpress.com/> - Legal Issues in the Fight Against Terrorism
- <http://www2.ohchr.org/english/issues/terrorism/rapporteur/reports.htm> - Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism



THE GENERAL ASSEMBLY SIXTH COMMITTEE: LEGAL

Purview of the Simulation

The General Assembly Sixth Committee addresses issues relating to international law. The Committee not only drafts new international law, but also offers interpretations of existing international law as well as recommendations for members to implement international regulations through national law. The Committee also considers legal issues which affect the United Nations Secretariat and operations. The Sixth Committee does not resolve legal disputes; that is the responsibility of the International Court of Justice. For more information concerning the purview of the UN's General Assembly as a whole, see page 24.

Please note: When considering the reports of sub-committees that may change the UN Charter or other legal documents, the Sixth

Committee may act on provisions within that report and write resolutions appropriate to carry out any recommendations from such reports. When a topic results in a recommendation to change the UN Charter, the provisions laid out in Chapter XVIII and elsewhere in the Charter must be followed in the GA Plenary session, followed by submission of any approved portion to the Member States before ratification. Similarly, if this Committee recommends the formation of a new treaty or comparable legal agreement, a treaty conference would be called for during the GA Plenary session, to be held at a later date.

Website: <http://www.un.org/ga/sixth/index.shtml>

CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES

Diplomacy is the activity of preventing and solving conflicts by representatives of two or more states with expectations toward peaceful agreements; it is the preferred mechanism through which governments and international bodies communicate and conduct business. Thus, keeping diplomatic channels between countries clear and secure is of utmost importance, which requires guaranteeing the security, protection, and safety of diplomats, consular representatives and related facilities. There are several conventions in place to ensure the protection of such sites and personnel; however, these protections are not always realized on the ground due to some practical difficulties of defending them and because embassies and consular missions are targeted because of their symbolic weight.

Based on mutual consent between the sending state and hosting state, diplomatic missions and their staffs are granted immunities from the hosting state's laws and taxes. Hosting states are also charged with the responsibility to protect these sites; however, the protection and safety of diplomatic missions has not always been assured. Throughout the 1960s and 1970s, international organizations and groups of states worked to codify international law on the issue. The Vienna Conventions of 1961 and 1963 established a baseline for diplomatic relations and legal protections for those who were responsible for executing their government's interests. These established that such persons were immune from search, requisitions, and legal attachment or execution by the host state and that the host state had the duty to protect diplomatic missions' personnel, premises, and materials. When, during the Cold War, attacks on diplomatic officials and embassies and consular buildings increased, the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, established a juridical protocol for handling violations of the principles of diplomatic protection. The 1973 Convention asked that host countries cooperate fully in the apprehension of criminal elements involved in hostilities

against diplomatic persons, and in the acquisition of evidence to that end.

In 1980, the General Assembly passed resolution 35/168 which sought to ameliorate these incidents and create a new agreement between states that would uphold the integrity of diplomatic immunity. In 1987, A/RES/42/154 added that all states report to the Secretary-General and make use of that office for peaceful settlement of any disputes that may arise. In addition, resolution 49/49, proposed in 1994, sought to further protection for diplomats and expanded it substantially, so as to protect more individuals in varying degrees of diplomatic service.

Though many steps have been taken to create a legal framework that allowed diplomats to work with impunity, there were complaints that diplomatic immunity was being abused, especially in the case of physical altercations and higher-level crimes. The conventional immunity guaranteed for diplomatic representatives—especially the exceptions written into the 1961 Convention and how to apply them—are still the subject of some debate. Additionally, per the 1987 resolution, reporting such incidents to the Secretary-General has been seen as a way to further cooperation between states and bring offenders to justice.

Recent resolutions have also emphasized the importance of diplomats and consular officials respecting the laws of host nations and working to ensure that diplomatic missions maintain the highest standards of integrity by ensuring all work carried out under the provisions of diplomatic protection are compatible with international law and customs.

The more important issues, however, in current discussions revolve around the ongoing crises in the Middle East and Africa and around the question of non-state actors and protections during civil wars. These crises have vaulted this particular agenda item back onto the Sixth Committee's agenda after a period of relative quiet. In both cases, successful protection of diplomatic missions is likely to require extensive information and intelligence sharing between countries as the international community works to prevent terrorist attacks and the targeting of foreign embassies as a way to undermine

governmental legitimacy and efficacy. Though agreeable in principle, information and intelligence sharing is often difficult in practice.

The General Assembly might consider measures and mechanisms to improve such cooperation and information sharing. The UN has also encouraged states to engage in close cooperation on practical measures to increase the security and safety of diplomatic and consular missions. What, exactly, these practical measures might entail could be a subject for discussion.

Finally, an important point for discussion will be how the international community could enhance the protection of diplomatic missions and international organizations in fragile or failed states, where resources and priorities are limited and already stretched. Member States will need to discuss the appropriate international response when states are consistently unable to assure the protection of diplomatic missions, or when states appear to be targeting (or supporting attacks on) foreign missions in other countries.

Questions to consider from your government's perspective on this issue include

- How are the protection, safety and security of diplomatic personnel assured when non-state actors are involved?
- What assurances can be given by the state against hostilities from non-state actors? Can non-state actors be held accountable for diplomatic violations?
- How can the protection, safety and security of diplomatic personnel be assured and structured in the event of civil war?
- What recourse might states have if a host nation is unwilling or unable to provide appropriate protection for diplomatic and consular missions?

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- A/RES/53/97
- A/RES/55/149
- A/RES/61/31
- A/RES/63/126
- A/RES/65/30

Vienna Convention on Diplomatic Relations 1961

Vienna Convention on Consular Relations 1963

1973 Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents

Additional Web Resources

www.un.org/en/ga/sixth/65/DiploProtect.shtml – GA 6th Committee – Diplomatic Protection

www.un.org/en/ga/sixth/65/ProtSecSaf.shtml – GA 6th Committee – Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives.

INTERNATIONAL LIABILITY FOR INJURIOUS CONSEQUENCES ARISING OUT OF ACTS NOT PROHIBITED BY INTERNATIONAL LAW

In order to address compensation when states or other actors are injured through the hazardous activities of another actor across an international border, the UN General Assembly adopted resolution 51/160. Hazardous activities are defined as any activity that involves a risk of causing significant harm. The goal has been to hold states accountable for their activities and to set up avenues for compensation of victims of these hazardous activities.

Due to the challenging nature and complexity of the issue, the topic has been divided into two sub-topics: prevention of transboundary damage from hazardous activities, and international liability in case of loss from transboundary harm arising out of hazardous activities. In working on this issue, the UN General Assembly Sixth Committee has worked closely with the International Law Commission.

In 2001, the Commission drafted the basis for a future Convention to address this issue. It recommended that the GA take up this basis and expand upon it. The Commission continued to work on this issue, addressing the two subtopics in subsequent sessions. It drafted very specific recommendations, which the Sixth Committee noted with appreciation in its sixty-second session and asked Member States to consider as a starting point for future action. It also invited Member States' continuing comments. The GA similarly recommended Nations' attention and welcomed comments, but was careful to point out that doing so would not prejudice any future action around this topic.

The Sixth Committee addressed this topic again in its sixty-fifth session. It acknowledged the work of the Commission and recognized that the principles drafted by the Commission were already being used by States and judicial bodies as authoritative guidance in these issues. The Committee also noted that some Member States had already taken to making bilateral agreements outside the UN process.

While some Member States focused on the substance of the previously drafted convention, most were more concerned with the form of the draft articles and draft resolutions. States disagreed on whether there was a need for a Convention, or whether the instructive, but not binding, principles and articles were all the action needed. States were divided on the best course forward: some called for a wait-and-see approach, while others called for going ahead with the Convention-drafting process, and still others somewhere in between. Ultimately, the Committee passed a resolution without a vote that invited further comments on the topic, especially relating to any practical application of the Commission's draft articles and principles. It also requested the Secretary-General to report on decisions of international judicial bodies that made use of the articles and principles.

In the future, Member States need to decide what the appropriate role for the principles and articles drafted by the Commission should be. A Convention would allow countries to have another opportunity for input into the accountability of these actors. The Convention drafting process can be long and drawn out, which is something countries opposed to this type of regulation may consider a positive. Drawing the process out allows countries to continue to be at the bargaining table without being bound by the Convention that may result. Conversely, a Convention may allow nations to codify tenets that are already gaining wide acceptance in the international community. Codification would allow uniform interpretation and for clear recourse if violations occur. Additionally, the body may want to examine industry-specific agreements or guidelines rather than a general convention. Focusing on a particular industry may make it easier to achieve an agreement among Member States, and may allow stronger enforcement language than if the Convention focuses on hazardous activities generally.

Questions to consider from your government's perspective on this issue include

- If a Convention is not drafted, how can Member States hold actors outside their borders accountable for damage incurred within their territory? Is this sufficient?
- Member States have started to make agreements amongst themselves regarding this topic. Is this an area that is better handled through bilateral agreements or a broader treaty?
- What should the role be of drafted but not passed Principles/Conventions in international law? Should these be seen as binding and instructive by courts?

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Additional Web Resources

- untreaty.un.org/ilc/summaries/9.htm - International Liability for Injurious Consequences arising out of Acts not Prohibited by International
- www.un.org/en/ga/sixth/65/TransboundHarm.shtml - Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm (Agenda item 81)